



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WAGGONER CARR
ATTORNEY GENERAL**

September 28, 1964

Mr. D. C. Greer
State Highway Engineer
Texas Highway Department
Austin, Texas

Opinion No. C-320

Re: Whether a county may provide funds to participate with the State Highway Department in an overall survey of the county's traffic needs so that both the State Highway Department and the County Commissioners Court can make future plans concerning the road systems for which each are responsible.

Dear Mr. Greer:

You have requested an opinion from this office concerning whether a county may:

"... provide funds to participate with the State Highway Department in an overall survey of the county's traffic needs so that both the State Highway Department and the County Commissioners Court can make future plans concerning the road systems for which each are responsible?"

In connection with the foregoing question, the provisions of Article 6674c-1, Vernon's Civil Statutes, provide that:

"Any County or political sub-division of any County in this state, acting through its governing agency, may make, and the State Highway Commission, in its discretion, may accept, voluntary contributions of available funds from such county or political subdivision, for expenditure by the State Highway Commission in the development of the public roads of such County, or political subdivision." (Emphasis added)

The foregoing statutory provision has been construed as authorizing a county, acting through its Commissioners Court, to make voluntary contributions of available county funds to the State Highway Commission to be used by the State Highway Commission in the development of public roads within the county road system. See Attorney General's Opinion No. V-1514 (1952).

As to the type of "development" contemplated by the provisions of Article 6674c-1, the provisions of Article 6674a, Vernon's Civil Statutes, which defines certain terms that are used throughout Articles 6674a-6674n, Vernon's Civil Statutes, provide that:

". . . The term 'improvement' shall include construction, reconstruction or maintenance, or partial construction, reconstruction or maintenance and the making of all necessary plans and surveys preliminary thereto. . . ." (Emphasis added)

The term "development", as used in Article 6674c-1, and the term "improvement", as used and defined in Article 6674a, being for all practical purposes synonymous, we are of the opinion that the "development" of public roads within the county road system contemplated in Article 6674c-1, for which the county is authorized to make voluntary contributions of available county funds to the State Highway Commission to be used by the State Highway Commission, would include overall studies, surveys and plans concerning the county road system.

Such being the case, a county would be authorized to make voluntary contributions of available county funds to the State Highway Commission to be used by the State Highway Commission for overall studies, surveys and plans concerning the county road system. This, however, does not in any way alter or change the holding in Attorney General's Opinion No. C-302 (1964), which held that a county was not authorized to expend county funds in connection with federal, state and city governments to carry on a transportation plan or survey in connection with public roads within the Federal and State Highway Systems.

We are of the further opinion that there would be no objection to the State Highway Commission making this overall study, survey and plans for a county, concerning the county's road system, in conjunction with studies, surveys or plans already being made or contemplated by the State Highway Commission in connection with public roads within the State Highway System within the county.

Mr. D. C. Greer, page 3 (C-320)

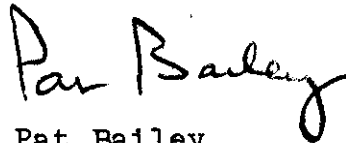
S U M M A R Y

A county is authorized to make voluntary contributions of available county funds to the State Highway Commission to be used by the State Highway Commission for overall studies, surveys and plans concerning the county road system.

Very truly yours,

WAGGONER CARR
Attorney General

By:



Pat Bailey
Assistant

PB:mkh:zt

APPROVED:
OPINION COMMITTEE

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J. C. Davis
Joe Long
Howard Fender
Wayne Rodgers
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APPROVED FOR THE ATTORNEY GENERAL
BY: Roger Tyler